

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOYSON SAFETY SYSTEMS LLC,  
401(k) PLAN,  
Plaintiff,

Case No. 2:21-cv-11597-TGB-CI  
Hon. Terrence G. Berg

v.

KELLY D'ALIMONTE, ESTATE OF  
DANIEL D'ALIMONTE, MARY-ANN  
HAYES AND DEBORAH WENZLOFF,  
Defendants.

and

MARY-ANN HAYES and DEBORAH  
WENZLOFF,

Cross Plaintiffs,

v.

KELLY D'ALIMONTE,  
Cross Defendant,  
and

KELLY D'ALIMONTE,  
Cross-Plaintiff,

v

ESTATE OF DANIEL D'ALIMNTE,  
MARY-ANN HAYES, and DEBORAH  
WENZLOFF,

Cross-Defendants.

**STIPULATED JUDGMENT TO  
EFFECTUATE THE COURT'S  
GRANT OF SUMMARY  
JUDGMENT IN FAVOR  
OF CROSS- CLAIMANTS  
MARY- ANN HAYES AND  
DEBORAH WENZLOFF**

COUZENS, LANSKY, FEALK, ELLIS, ROEDER & LAZAR, P.C.

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**STIPULATED JUDGMENT TO EFFECTUATE THE  
COURT'S GRANT OF SUMMARY JUDGEMENT IN  
FAVOR OF CROSS-CLAIMANTS MARY-ANN  
HAYES AND DEBORAH WENZLOFF**

At a session of said Court, held in the Courthouse,  
Detroit, Michigan, on April nineteenth, 2023.

PRESENT: HONORABLE Terrence G. Berg  
United States District Court Judge

An Interpleader action (ECF No. 1) having been commenced by Plaintiff in the captioned cause in which a dispute having arisen between Cross-Claimants, Kelly D'Alimonte, ex-spouse of Daniel D'Alimonte (Kelly) and Mary-Ann Hayes and Deborah Wenzloff, surviving sisters of Daniel D'Alimonte (Sisters), the

Sisters having filed a Motion for Summary Judgment (ECF No. 14) and Kelly having filed a Motion for Partial Summary Judgment (ECF No. 22), the Court thereafter having received oral argument and for the reasons set forth in the Court's "Order Resolving Cross Motions for Summary Disposition" (ECF Nos. 14, 22) dated September 30, 2022, (ECF No. 29), Cross-Claimants Mary-Ann Hayes and Deborah Wenzloff, surviving sisters of Daniel D'Alimonte having thereafter filed their Motion for Entry of Judgment Effectuating the Court's Order Resolving Cross Motions for Summary Disposition to which Cross-Claimant Kelly D'Alimonte has concurred and to which the Plaintiff Joyson Safety Systems LLC 401(k) Plan has filed its Brief in Response regarding the relief requested, and the parties having reached an agreement to the terms of an Order and having stipulated to hereinafter, and the Court being otherwise fully advised in the premises:

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. Kelly D'Alimonte having waived her rights as beneficiary to the account held by Daniel D'Alimonte in Plaintiff Joyson Safety Systems LLC 401(k) Plan, is hereby removed as primary beneficiary to the account. The Plaintiff is hereby authorized and directed to take all actions necessary to implement that outcome.

2. Mary-Ann Hayes and Deborah Wenzloff, as named contingent beneficiaries to the account, shall succeed as primary beneficiaries to the account, with all rights which are available and extended to primary beneficiaries under the terms of the Plan.

3. Upon entry of this Order, Plaintiff and Cross-Claimant Kelly D'Alimonte shall be discharged of any further liability arising from this actions and the matter shall be closed.

4. The parties are hereby ordered to deliver any documents and take any other actions reasonably required to implement the terms of this Order

/s/ Terrence G. Berg  
**United States District Court Judge**

**Dated: May 1, 2023**

**STIPULATED AND AGREED:**

**DICKINSON WRIGHT PLLC**

**VARNUM LLP**

By: /s/ David R. Deromedi (w/consent)

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